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TEN YEARS AFTER

By Raymond Coffey

WASHINGTON—In a way, the Vietnam War is not over yet, not really.

Not for President Reagan, not for the Pentagon, the CIA, Congress, not for any of us.

The fall of Saigon 10 years ago this week marked the end of a lot of things, but it did not mark an end to the Vietnam War's enduring and undeniable impact on the American political-policy process.

Think back only to last week.

Had there been no Vietnam, would Congress have dared to deny the President's request for a measly $14 million in direct military aid to support a guerrilla insurgency against what Reagan calls a Soviet-Cuban inspired communist regime in Nicaragua?

Almost certainly not.

One of the principal enduring consequences of the Vietnam War is that it changed profoundly the institutional and attitudinal balance on which the country decides when and where to commit its troops and treasure, when and where to go to war.

The Constitution grants only Congress the power to "declare war," but it makes the President the "commander-in-chief" of the armed forces. In practice, since World War II, the United States' last formally declared war, the President pretty much had his way in deciding where and when to commit U.S. troops—Korea, Vietnam, Lebanon and Grenada, for instance.

Even after John Kennedy's Bay of Pigs fiasco, until Vietnam, presidents also pretty much had their way in deciding on CIA covert operations involving coups, insurgencies and even assassination attempts.

Since Vietnam, though, Congress has dealt itself a stronger hand in these matters and presidents—as Reagan has discovered on both Lebanon and Nicaragua—are having to live with new inhibitions on their exercise of power.

Some restraints growing out of the Vietnam experience are legislative or formal—most notably the War Powers Act of 1973 and the congressional oversight committees that now call the Central Intelligence Agency to account.

Some of the new inhibitions placed on the President's exercise of power are merely "attitudinal" or "psychological," as a senior foreign affairs staff member on Capitol Hill put it. That is, they reflect a "great fearfulness" in Congress about ever getting involved in "another Vietnam," and that concern has produced an enduring insistence among members of Congress that they be fully involved at every step in war-peace decisions.

These attitudinal inhibitions also are evident at the Pentagon, where the top brass, which took much of the political heat for Vietnam, wants no part of any more unpopular wars.

Though these attitudinal or psychological restraints have no formal weight or structure, they have nonetheless acquired a definite formidableness.

As with just about everything else concerning Vietnam, these shifts in the policy and decision-making processes are a matter of ongoing heated debate.

Have they made us a handcuffed giant unable to assert and defend our vital interests, as critics would contend? Or have they only made us wiser, more prudent, less arrogant about our ability to make the world spin our way, as the advocates would have it?

Under the War Powers Act of 1973, for instance, the President is allowed to send U.S. combat troops into battle or into areas of "imminent" hostilities for only 60 days without either a declaration of war by Congress or a specific congressional mandate for their mission.

The act does not, however, say what Congress can do if the President refuses to comply.

Former Sen. Charles Percy [R., Ill.], until this year the chairman of the prestigious Foreign Relations Committee and a principal advocate of the War Powers Act, thinks the act is "absolutely essential" to the conduct of foreign policy.

"No president wants restraints, of course," Percy said, but without restraints it becomes too easy to "stumble into quicksand" as in Vietnam.

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"There are limits to what a great power can do," Percy said, and getting into the war in Vietnam was a "mistake."

Percy also noted that Congress invoked the War Powers Act in limiting the time Reagan could keep the Marine Corps in Lebanon. "You don't see a lot of people wanting [the U.S.] to rush back to Lebanon," he added.

Percy said other restraints imposed on the presidency in the aftermath of Vietnam have proved useful. He thinks there will be no serious move to repeal the act, which he described as "an ingrained part of our law."

Some of the other restraints imposed post-Vietnam include sections of the Foreign Assistance Act that condition U.S. aid on a country's human rights record; the Clark Amendment of 1976, which prohibited covert aid to anti-Marxist guerrillas in Angola; and the 1982 Boland Amendment, which set the stage for cutting off CIA aid to the "contra" rebels in Nicaragua.

Former President Richard Nixon, among others, disputes Percy on all points.

In his latest book, "No More Vietnams," Nixon charges that the War Powers Act "makes it impossible for a president to act swiftly and in a crisis and permits Congress to pull our troops, put simply, by doing nothing—by failing to pass either a resolution for or against the president's action."

Nixon said the "squeaky-clean human rights" provisions of the Foreign Assistance Act would, for instance, have barred the U.S. from "assisting our ally, the Soviet Union, against Hitler" had the laws been in effect during World War II. The Clark Amendment "gave Cuba and the Soviet Union the green light for their covert activities in Angola and around the world," Nixon said.

"Wars cannot be waged without the support of the Congress and the people," Nixon acknowledged. But "there are times when the Congress and the people may not recognize our vital interests in Third World conflicts."

Nixon's argument is precisely what concerns those who favor restraints—the idea that *only* the President knows where our vital interests lie.

The War Powers Act never has been tested in court, though that could come as the Nicaragua controversy continues.

Secretary of State George Shultz has been highly critical of the restraints the act places on the President's freedom of action as commander-in-chief. Last year, amid the struggle over the U.S. Marine presence in Lebanon, Shultz gingerly approved the idea of a Supreme Court test of the act.

He remarked in congressional testimony that the balance of authority in recent years has moved "very much in the congressional direction" and said he would "welcome a more thorough review, including getting the lawyers into the act, and so on, because I think myself that we're getting off the track."

Minus a court test, though, any serious move to repeal the War Powers Act seems unlikely to succeed.

Some experts had expected such a move as the Vietnam memory dimmed, but none has developed. Congress seems, if anything, increasingly determined to hang on to the enhanced role it has claimed for itself.

Beyond such formal restraints, there linger in our policy-decision process the self-imposed inhibitions of attitude.

Perhaps the most striking manifestation of this recently was Defense Secretary Caspar Weinberger's speech late last year in which, drawing on the U.S. experience in Korea and Vietnam, he outlined six tests to be applied when deciding whether to send American troops into combat abroad.

Among them, Weinberger said, if we do decide to commit combat troops "we should do so wholeheartedly and with the clear intention of winning."

Another point he made was that before troops are committed, "there must be some reasonable assurance we will have the support of the American people and their elected representatives in Congress."

What gave the speech its special resonance was the fact that Weinberger was clearly reflecting the attitude of the Pentagon's top brass, which has not recovered from the abuse and recrimination hurled at the military over Vietnam.

Weinberger, who also is critical of the War Powers Act restraints, said sending U.S. troops into combat should be "a last resort."

Curiously, too, Weinberger, a renowned "hawk" as well as the man in charge of the nation's military might, appeared to be taking a more cautious line than Shultz, who is generally characterized as a moderate and who is in charge of the diplomatic, rather than military, approach to crisis.

Though Shultz has agreed with the need for public support, a precise mission and "enough resources to finish the job" before committing troops, he also has said:

"There will always be instances that fall short of an all-out national commitment on the scale of World War II. The need to avoid no-win situations cannot mean that we turn automatically away from hard-to-win situations that call for prudent involvement."

Some of the most interesting views on how the Vietnam legacy affects U.S. behavior, and how it will in the future, come from people who were intimately and painfully involved in that war.

One such is James Webb, a Naval Academy graduate and one of the more decorated Marines of the war, who was severely wounded in Vietnam and who later wrote a best-selling novel about it, "Fields of Fire."

Webb, an assistant secretary of defense for reserve affairs, said the principal lesson to be learned from Vietnam is that "you can't fight a war and debate it at the same time."

The U.S. military, Webb said, still feels "very deeply the sting of having been sent off to fight and then having the rug pulled out from under them. . . . It's as if the nation that called on us to bleed decided we should be ashamed of our scars."

Barry Zorthian, who for five years directed the U.S. Public Affairs operation in Saigon, dispensing the official version of the war, said he doubts we'll ever get back to the sort of situation in which almost on whim "Teddy Roosevelt was able to send a fleet halfway around the world" to assert American interests.

In the days before and during Vietnam, presidential authority and CIA operational license probably had "gotten out of hand," he said.

Then in the immediate aftermath, he said, "the pendulum swung the other way" and tight restraints were imposed. But now, Zorthian said he thinks the government's "trust and credibility" are on the upswing again and the insistence on restraints may lessen.

Some of the restraints imposed were "undesirable and unnecessary," he said, but the "pendulum is swinging back and hopefully we'll wind up with a decent balance."

Maybe. But for now—a generation after it all began for us, and 10 years after it ended in communist conquest of Vietnam—the war lingers on in our approach to the world.

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Reagan, who considers the Vietnam War a "noble cause," now calls the contra rebels in Nicaragua "freedom fighters" and the moral equivalent of our own Founding Fathers.

House Speaker Thomas O'Neill [D., Mass.], among the first Vietnam War supporters to break ranks with Johnson and to call for a U.S. pullout there, calls the contras "butchers and maimers" and said he thinks Reagan will not be "happy until American troops are in there [Nicaragua] and I want to do everything in my power to prevent it. . . ."

It is not over.

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